

**REMARKS**

The Office Action of December 29, 2004 has been reviewed and the comments therein were carefully considered. Claims 1-30 are pending in the application. Claims 1-30 stand rejected. Through this amendment, claims 31 and 32 have been added to more clearly define the invention. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

***Rejection Under 35 USC §102(e) - Shulman***

Claims 8-21 and 25-30 are rejected under 35 USC §102(e) as being anticipated by Shulman, U.S. Publication No. 2001/0030664. The Applicants respectfully traverse the rejection in view of the following remarks.

Regarding independent claim 8, the Office Action alleges that Shulman teaches “(a) receiving at the media player an alert message formatted to reconfigure the media player to provide the broadcast content to a user of the media player.” The Office Action, however, does not distinguish in the rejection between the claimed features of “an alert message” and “broadcast content.” As disclosed in the present application, a tune alert message may be formatted to reconfigure a media player to provide the broadcast content to a user of the media player. Indeed, claim 8 includes the claimed feature of having a alert message for “reconfiguring the media player to process content.” While the Office Action points to the Shulman reference as teaching this limitation through the recitation of “the user can receive the alert message at the local device 110 as noted earlier”, the Office Action ignores the claim element of “reconfiguring the media player.” The Applicants, therefore, submit that Shulman does not disclose both an “alert message” and “broadcast content”. Therefore, for a least this reason independent claim 8 is distinguishable over Shulman.

Regarding independent claim 16, the Office Action alleges that Shulman teaches “a tuner that is adjustable to process content from a plurality of sources of broadcast content.” However, tuner 176 (as shown in Figure 1c) connects only to one source of broadcast content (the cable head-end that is associated with NMS 130) and not to a plurality of sources. The Office Action mistakenly equates a plurality of sources with a plurality of content e.g. emergency broadcast system and/or community broadcast.

Regarding independent claim 20, the Office Action alleges that the claimed feature of “generating at the first media player an alert message that may be used to reconfigure a second media player to provide broadcast content to a second user of the second media player” is disclosed. However, on page 10 of the Office Action with respect to claim 1, the Office Action states Shulman “does not clearly show the step of “generating at the first media player the alert message formatted to reconfigure the second media player. . .” We agree with the Office Action and submit that for the same reason, Shulman does not disclose the above claimed feature.

Regarding claim 21, the Office Action alleges that “means for transmitting tuning information that corresponds to the content and is formatted to be used to tune a remote device” is taught by Shulman. The Office Action, regarding the above claim element states “see claim 8, wherein the limitation of ‘to tune to a remote device’ referred to another device or a second local device as already discussed . . .” However, the referral to claim 8 does not show where in Shulman the claimed feature is disclosed. We submit that this feature is not disclosed as claim 8 only states “this feature of setting configuration can also be applied at the local device because the second local device can be a palmtop computer or PDA.” Therefore, for at least this reason independent claim 21 is distinguishable over Shulman.

In view of the Applicants arguments above, it is respectfully submitted that the cited reference does not disclose or suggest the invention as presently claimed. The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection.

***Rejection Under 35 USC §103 – Shulman in view of Pepper***

Claims 1-7, and 22-24 are rejected under 35 USC §103(a) as being unpatentable over Shulman et al., U.S. Publication No. US2001/0030664 in view of Pepper et al., U.S. Patent No. 5,930,700. The Applicants respectfully traverse the rejection in view of the following remarks.

Regarding claim 1, the Office Action states “Shulman does not clearly show the step of generating at the first media player the alert message formatted to reconfigure the second media player” and “. . . transmitting the broadcast content . . . to the second user.” The Office Action attempts to use Pepper in order to show these claimed features. In particular, the Office Action states “Pepper teaches a same technique as message notification can be viewed at the first media player (PDA) of the first user and the broadcast content can be delivered to another user and/or

another destination of the second media player. . .” We disagree as the Office Action has failed to show wherein Pepper discloses the claimed feature of “generating at the first media player the alert message formatted to reconfigure the second media player.” The Office Action is attempting to equate message notification with the claimed feature of “generating at the first media player the alert message formatted to reconfigure the second media player.” Therefore, for at least this reason claim 1 is allowable. Dependent claims 2-7 and 23-24 are allowable for at least the same reason as independent claim 1.

It is therefore respectfully submitted that the cited references do not, individually or collectively disclose or suggest the invention as presently claimed. The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection.

***New Claims 31 and 32***

Newly added claims 31 and 32 are directed to the above and other disclosed embodiments and do not contain new matter. Claim 31 is directed to a system for transmitting the alert message from the first and second mobile devices, while claim 32 is directed towards a computer-readable medium having computer-executable instructions for receiving and broadcasting messages at a mobile device.

The Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner believe that a conversation with Applicant's representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicant's representative.

Respectfully submitted,

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